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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

| | | |
|--------------------------|---|------------------------|
| Vu Van Le, |) | No. CV-09-1196-PHX-ROS |
| |) | |
| Petitioner, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| Katrina S. Kane, et al., |) | |
| |) | |
| Respondents. |) | |
| |) | |

Magistrate Judge David K. Duncan recommends the petition for writ of habeas corpus be denied as moot. The Court will adopt the Report and Recommendation in full.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal quotations and citations omitted).

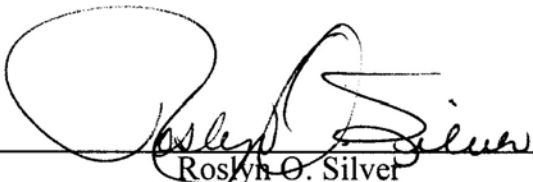
No objections being made, the Court will adopt the Report and Recommendation in full.

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Accordingly,

IT IS ORDERED the Report and Recommendation is **ADOPTED** and the Petition (Doc. 1) is **DENIED AS MOOT**. The Clerk of Court shall close this case.

DATED this 28th day of August, 2009.



Roslyn O. Silver
United States District Judge